

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEAGUE OF WOMEN VOTERS)	
OF MICHIGAN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:17-cv-14148
)	
RUTH JOHNSON, in her official)	
capacity as Michigan Secretary of)	
State,)	
)	
Defendant.)	
)	

**ORDER DENYING DEFENDANT SECRETARY OF STATE RUTH JOHNSON’S
MOTION IN LIMINE TO EXCLUDE TESTIMONY OF UNDISCLOSED LEAGUE
MEMBER WITNESSES AND AS TO (30)(B)(6) TOPICS FOR WHICH PLAINTIFFS
REFUSED TO TESTIFY (ECF No. 169)**

Before the Court is Defendant Johnson’s Motion in Limine to Exclude Testimony of Undisclosed League Member Witnesses and as to 30(B)(6) Topics for which Plaintiffs Failed to Testify (“Motion”) (ECF No. 169). The Court finds that Plaintiffs substantially complied with their discovery obligations in relation to the subject of the instant Motion; they provided the Secretary with a full list of League Members in July 2018. Further, the appropriate witnesses to testify about proposed alternative districts were Plaintiffs’ experts, not the League representative who testified during the Rule 30(b)(6) deposition, as Johnson contends. Furthermore, it is undisputed that Plaintiffs provided the Secretary with the list of 50 League Member witnesses on September 11, 2018—while the parties were still conducting depositions and more than four-and-a-half months prior to the start of trial. It does not appear that the Secretary took any additional timely action to pursue discovery with respect to the League Member witnesses after

being provided with the list of their names. In the alternative, Plaintiffs' failure to comply with Rule 26(a) or (e) was harmless. *See* Fed. R. Civ. P. 37(c)(1).

Therefore, the Court hereby **DENIES** the Motion.

IT IS SO ORDERED.

/s/ Eric L. Clay
Signed for and on behalf of the panel:

HONORABLE ERIC L. CLAY
United States Circuit Judge

HONORABLE DENISE PAGE HOOD
United States District Judge

HONORABLE GORDON J. QUIST
United States District Judge